

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 KIA CHEVALIER,

No. C-07-0401 MMC

12 Plaintiff,

**ORDER DENYING PLAINTIFF'S MOTION
FOR LEAVE TO FILE MOTION FOR
RECONSIDERATION; VACATING
HEARING**

13 v.

14 SUTTER HOTEL, et al.,

15 Defendants.

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18 Before the Court is plaintiff Kia Chevalier's "Motion for Reconsideration of the Order
19 of Judge Chesney, March 5, 2008 (Order Denying Plaintiff's Motion to Strike &/; Vacating
20 Hearing)," filed March 19, 2008, which filing the Court construes as a motion for leave to file
21 a motion for reconsideration. See Civil Local Rule 7-9(a) (providing "[n]o party may notice
22 a motion for reconsideration without first obtaining leave of Court to file the motion").

23 Plaintiff seeks reconsideration of the Court's March 5, 2008 order based on the
24 existence of new facts, including the fact that plaintiff did not receive a copy of defendant
25 Oakland Sutter's opposition to plaintiff's motion to strike, filed February 12, 2008, at the
26 time it was filed. (See Pl.'s Mot. for Reconsideration Ex. A at 1.)¹ By the instant filing,

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28 ¹ Plaintiff states that she subsequently, on February 27, 2008, obtained a copy of
the opposition. (See id.) The deadline for plaintiff to file a reply to the opposition was
February 28, 2008. Plaintiff does not explain why she did not, upon obtaining a copy of the
opposition on February 27, 2008, seek an extension of such deadline at that time.

1 plaintiff presents her argument in reply to said opposition. (See id. at 2.)

2 Assuming, arguendo, the circumstances described by plaintiff could justify
3 reconsideration, plaintiff's reply would not have affected, and does not affect, the factual
4 basis or reasoning on which the Court's March 5, 2008 order relied. Specifically, plaintiff's
5 argument does not alter the underlying facts that plaintiff's motion to strike was not filed
6 until January 25, 2008, and, as such, was untimely, (see Order Denying Pl.'s Mot. to Strike
7 at 2:6-8), that the Clerk of Court has not entered default against Oakland Sutter, (see id. at
8 2:9-15), or that defense counsel represents only Oakland Sutter in the instant action, (see
9 id. at 2:25-3:1). Further, plaintiff presents no legal authority contrary to the Court's
10 reasoning.

11 Accordingly, plaintiff's motion is hereby DENIED.²

12 **IT IS SO ORDERED.**

13 Dated: March 24, 2008

14 MAXINE M. CHESNEY
United States District Judge

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28 ² The April 23, 2008 hearing on the matter is hereby VACATED.